

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

**ROQUETTE AMERICA, INC.
NPDES Permit #5640101**

**ADMINISTRATIVE CONSENT
ORDER**

NO. 2012-WW- 27

**TO: William Gibson
Environmental Program Coordinator
PO Box 6647
1417 Exchange St.
Keokuk, IA 52632-6647**

I. SUMMARY

This administrative consent order (Order) is entered into between Roquette America, Inc. (Roquette) and the Iowa Department of Natural Resources (DNR) for the purpose of establishing a compliance schedule to implement more stringent effluent limitations. Pursuant to this Order, Roquette shall comply with the compliance schedule contained herein.

Any questions regarding this Order should be directed to:

Relating to technical requirements:

Wendy Hieb
NPDES Permits Section
Iowa Department of Natural Resources
Henry A. Wallace Building
Des Moines, Iowa 50319-0034
Ph. 515-281-7804

Relating to this Order:

Jon C. Tack
Legal Services Bureau
Iowa Department of Natural Resources
Henry A. Wallace Building
Des Moines, Iowa 50319-0034
Ph. 515-281-8889

II. JURISDICTION

This Order is issued pursuant to Iowa Code section 455B.175(1) which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division III, Part 1, and the rules promulgated or permits issued pursuant thereto.

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER
Roquette America, Inc.**

III. STATEMENT OF FACTS

1. Roquette owns and operates a corn wet milling plant in Keokuk, Iowa. The facility includes six refineries to produce various corn-derived products. Roquette operates an activated sludge wastewater treatment facility pursuant to NPDES Permit #5640101. This permit also authorizes multiple outfalls related to storm water, cooling water and other discharges.

2. The DNR is prepared to renew NPDES Permit #5640101 for the Roquette facility in Keokuk. The renewed NPDES permit will have a more stringent effluent limitation for nickel. The revised effluent limit is necessary because the flow used to calculate the nickel limit is less than the flow used in the previous permit. The new nickel limit will be based on federal effluent guidelines best available technology economically available (BAT). BAT guidelines for the Organic Chemicals, Plastics, and Synthetic Fibers (Subpart I) were promulgated on November 5, 1987.

3. The facility cannot immediately comply with the new limit for nickel and has requested a schedule that will allow time to evaluate processes, determine a course of action and implement changes that will allow it to comply with the new permit. The DNR has determined that a schedule is both necessary and appropriate and that the recommended schedule will result in compliance as soon as possible. Roquette is required to continue to comply with the prior nickel limit as an interim limit during the term of the compliance schedule.

4. The DNR and Roquette agree that the execution of this Order is the appropriate method to establish the consent order which is required to achieve compliance with the revised nickel limit.

IV. CONCLUSIONS OF LAW

The DNR and Roquette agree that the following Conclusions of Law are applicable to this matter:

1. Iowa Code section 455B.186 prohibits the discharge of pollutants into waters of the state, except for adequately treated pollutants discharged pursuant to a permit.
2. Iowa Code section 455B.173(3) authorizes and requires the Environmental Protection Commission (Commission) to promulgate rules relating to the operation of waste disposal systems, the discharge of pollutants into waters of the state, and the issuance of permits to waste disposal systems. The Commission has done so at 567 IAC 60 through 69. Subrule 64.3(1) prohibits the operation of a waste disposal system without or contrary to the terms of a permit. Subrule 64.6 specifies the conditions that are

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER
Roquette America, Inc.**

to be included in a permit, including applicable effluent limitations as established in chapters 61 and 62 of the rules.

3. Pursuant to 567 IAC 62.4(14), Iowa has adopted by reference the federal BAT guidelines for the Organic Chemicals, Plastics, and Synthetic Fibers (Subpart I) as found at 40 CFR Part 414. This Order is necessary for Roquette to achieve compliance with these effluent guidelines.

4. Rule 567 IAC 64.7(4) authorizes schedules of compliance in issued NPDES permits. Pursuant to subrule 64.7(4)"b", such schedules shall result in compliance in the shortest, reasonable period of time. The schedule contained herein complies with these provisions.

V. ORDER

The DNR and Roquette hereby agree, and Roquette is hereby ordered, to make necessary improvements to meet final nickel limits at Outfall 012, as contained in renewed NPDES Permit #5640101, according to the following schedule:

1. The DNR shall renew NPDES Permit #5640101 by no later than November 15, 2012. The schedule set forth herein is designed to achieve compliance with the effluent limitations established in this renewed permit. The permit shall contain an interim nickel limit consistent with the prior permit's nickel limitation.

2. Roquette shall submit a progress report to the DNR by September 1, 2013, describing progress toward meeting the effluent limitations established in the renewed permit.

3. Roquette shall complete construction of wastewater treatment improvements by **December 31, 2013**. Within fourteen (14) days of the completion of construction, Roquette shall provide written notice of completion.

4. Roquette shall achieve compliance with all final nickel limits for Outfall 012, as established in renewed NPDES Permit #5640101, by **February 1, 2014**. Within fourteen (14) days following all dates of compliance, Roquette shall provide written notice of compliance.

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER
Roquette America, Inc.**

VI. CONSISTENCY WITH FEDERAL CONSENT DECREE

The DNR and Roquette acknowledge that Roquette has entered into a federal Consent Decree with U.S. EPA in a 2012 Civil Action lodged in the United States District Court, Southern District of Iowa that addresses numerous violations at the Roquette Keokuk facility, including the company's violations of its permit limits for nickel from July, 2006, through October, 2009. It is the intent of the DNR and Roquette that the provisions of this Order are consistent with the requirements of said Consent Decree and none of the provisions herein should be interpreted to be in conflict with those of the federal Consent Decree.

VII. WAIVER OF APPEAL RIGHTS

Iowa Code section 455B.175(1) and 561 IAC 7.4(1), as adopted by reference by 567 IAC chapter 7, authorize a written notice of appeal to the Commission. This Order is entered into knowingly by and with the consent of Roquette. By signature to this Order, all rights to appeal this Order are waived.

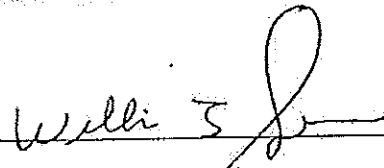
VIII. NONCOMPLIANCE

Compliance with section V of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order. Failure to comply with this Order may result in the imposition of administrative penalties pursuant to an administrative order or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.191.



CHUCK GIPP, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 13th day of
November, 2012



ROQUETTE AMERICA, INC.

Dated this 8th day of
November, 2012